

Establish a statewide public defender system to provide effective assistance of counsel

Agency/Program #: 6108-01-G1
Division: Public Defender
Program: Public Defender

| | | |
|------------------------|----------------------------------|----------|
| Agency Name: | Office of Public Defender | |
| Agency Contact: | Harry Freebourn | 496-6084 |
| LFC Contact: | Representatives Sesso and Taylor | |
| LFD Liaison: | Pat Gervais | 444-1795 |
| OBPP Liaison: | Brent Doig | 444-4118 |

Program or Project Description:

| Appropriation, Expenditure and Source | | | | | |
|---------------------------------------|---------|----------|---------|----------|---|
| Fund Name: | 2008 | | 2009 | | Approp & Expenditure numbers are as of October 31, 2007 |
| | Approp. | Expended | Approp. | Expended | |
| General Fund | | | | | |
| State Special | | | | | |
| Federal Funds | | | | | |
| Total: | \$0 | \$0 | \$0 | \$0 | |

Goal(s):

Establish a statewide public defender system to provide effective assistance of counsel to indigent criminal defendants and other persons in civil cases who are entitled by law to assistance of counsel at public expense

Performance Measures :

of OPD cases by type compared to total cases filed by type (felonies)
 Requested/applications for services compared to number determined eligible for services
 # of cases in which denial of eligibility is overturned by a court
 # of cases for which costs of services is requested (payment from client)
 # of cost containment measures implemented with brief description of cost containment measure
 Results of client/stakeholder survey

2009 Biennium Significant Milestones:

Completion Dates
Target **Actual**

| | | | |
|---|--|--|--|
| 1 | | | |
| 2 | | | |
| 3 | | | |
| 4 | | | |
| 5 | | | |

Performance Report:**LFD Narrative:****EXECUTIVE CHANGES:**

- Changes to goals/initiatives - No
- Changes to performance measures - No

LFD ASSESSMENT:

- Goal is measurable within the biennium: partially - dependent upon data gathering/availability
- Progress toward goal: Warning

APPROPRIATION ISSUES:

- Appropriation/expenditures provided - No
- Other appropriation issues - None

OPTIONS REGARDING THE GOAL/INITIATIVE AND PERFORMANCE MEASURES

- Warning - The Office of Public Defender expects to have agreed upon performance measures available by March 2008 but specific data was not included in the current report.
- The agency list three cost containment measures implemented but did not provide a brief description of each measure.



| Version | Date | Author |
|---------|---------|---------|
| AW-1 | 12/4/07 | Gervais |
| | | |
| | | |

| Change Description |
|--------------------|
| 1st Report |
| |
| |





GOVERNOR'S OFFICE OF
BUDGET AND PROGRAM PLANNING

Goals/Objectives

Agency Contact: Harry Freebourn | **Phone Number:** 406 496 6084 |
Agency Name: Department of Administration |
Division: Office of the State Public Defender |
Program (identify and briefly describe): Public Defender -The Office of State Public Defender administers the statewide public defender system that delivers public defender services in all courts in Montana for criminal and certain civil cases for an individual who is determined to be financially unable to retain private counsel and who is accused of an offense that could result in the person's loss of life or liberty if convicted. |

List a single goal and brief description:

Establish a statewide public defender system to provide effective assistance of counsel to indigent criminal defendants and other persons in civil cases who are entitled by law to assistance of counsel at public expense |

Describe the performance measures related to this goal:

1. The number of OPD cases by type compared to total cases filed in Montana by type (felonies).
2. The number of applications for OPD services compared to number determined eligible for services.
3. The number of cases in which denial of eligibility by OPD is overturned by a court.
4. The number of cases for which costs of services is requested (payment from client).
5. The cost containment measures implemented by OPD with brief description of each.
6. The results of a client/stakeholder survey commenting on OPD services. |

List significant milestones and target dates to be completed in the 2009 Biennium:

1. OPD expects to have an analysis of the count of the number of OPD cases by type compared to total cases filed in Montana by type (felonies) by 03/08.
2. OPD expects to have an initial analysis of the number of applications for OPD services compared to number determined eligible for services by 03/08.
3. OPD expects to have an initial analysis of the number of cases in which denial of eligibility by OPD is overturned by a court by 03/08.
4. OPD expects to have an initial analysis of the number of cases for which costs of services is requested by 03/08
6. OPD expects to have the initial results of a client/stakeholder survey by 03/08 |

Describe the current status of the measurements related to the goal:

1. The number of case by type handled by OPD vs total in the state are AA vs aa, BB vs bb, CC vs cc, and DD vs dd (please refer to milestone above).
2. The number of applications for OPD services for the period of July 1, 07 through February 28, 2008 determined to be ineligible as per Title 47 were XXX
3. The number of cases that were first denied by OPD and later overturned by a court was XXXX for

the same time period as noted in number 2 above.

4. The number of cases for which costs of services was requested and the related costs was XXXX and \$\$\$\$ for the period of July 1, 2007 through February 28, 2007.

5. Cost containment measures:

- o Review and approval process
- o Preapproval process
- o Mental Health Protocol process

6. The results of a client/stakeholder are as follows: |